

Message Text

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TO AMEMBASSY SOFIA

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E.O. 11652: GDS

TAGS:SHUM, CGEN, PFOR, BU (MAREVA, RUMYANA AND YORDANKA)

SUBJECT: POSSIBLE GOB ATTEMPT TO LINK MAREVA AND
KHRISTOV CASES

REFS: (A) SOFIA 430, (B) SOFIA 2639, (C) SOFIA 2667,
(D) STATE 306046, (E) SOFIA 2678, (F) 73 STATE 173977

1. DEPARTMENT HAS BEEN AWARE OF POSSIBILITY THAT GOB
WOULD ATTEMPT TO LINK MAREVA AND KHRISTOV CASES AS A
COUNTER-PLAY TO OUR EFFORTS IN FORMER CASE. EMBASSY
SHOULD BE ADVISED THAT TERMS UNDER WHICH BULGARIAN EMBOFF
WOULD HAVE BEEN PERMITTED TO MEET WITH KHRISTOV BOY WERE
ARRANGED BY THE DEPARTMENT WITH BOY'S FOSTER FAMILY AND
BOY HIMSELF, AND NOT RPT NOT THROUGH THE COURTS. ALTHOUGH
HE WAS OF ASSISTANCE IN PERSUADING EXTREMELY RELUCTANT
KHRISTOV TO MEET WITH BULGARIAN EMBOFF UNDER CONDI-
TIONS OUTLINED TO BULGARIANS, PUBLIC GUARDIAN MORSE ACTED
MERELEY AS A CHANNEL OF COMMUNICATION. WITH RESPECT TO
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CONDITION THAT CONVERSATION BE CONDUCTED IN ENGLISH,
AFTER YEARS IN U.S. AND ATTENDING U.S. SCHOOLS, KHRISTOV
BOY NO LONGER CAPABLE OF CONDUCTING A CONVERSATION IN
BULGARIAN. PRESENCE OF PUBLIC GUARDIAN MORSE DURING INTER-
VIEW WAS A REQUIREMENT, LIKE ALL THE OTHERS, ESTABLISHED

BY THE BOY AND HIS FOSTER FAMILY. IN ADDITION, THE GUARDIAN'S PRESENCE DURING THE INTERVIEW IS SUPPORTED BY HIS STATUS OF IN LOCO PARENTIS - THE LEGAL REPRESENTATIVE OF THE COURT WHICH HAS LEGAL CUSTODY OF LYUBOMIR KHRISTOV DUE TO HIS STATUS AS A MINOR. FINALLY, IN A CASE INVOLVING THE CUSTODY OF A MINOR WHERE THE COURT FEARS POSSIBLE COERCION OF THE MINOR BY EITHER INTERESTED PARTY, THE COURT HAS THE OPTION OF REQUIRING THE PRESENCE OF A THIRD NEUTRAL OR DISINTERESTED PARTY DURING MEETINGS BY EITHER INTERESTED PARTY WITH THE MINOR IN QUESTION.

2. KHRISTOV LATER REFUSED TO MEET WITH ANY BULGARIAN OFFICIAL, AND WAS SUPPORTED BY FOSTER FAMILY AND PUBLIC GUARDIAN MORSE IN HIS DECISION AS RESULT OF UNFORTUNATE INCIDENT LAST SPRING. KONSTANTINOV AND ONE OTHER BULGARIAN EMBASSY OFFICER PLANNED TRIP TO WEST COAST AREA WHICH PASSED DIRECTLY THROUGH TOWN WHERE BULGARIANS KNEW BOY TO BE LIVING. EUR/EE OFFICER, IN ACCORDANCE WITH CLOSED ZONE RESTRICTIONS, ADVISED APPROPRIATE AUTHORITIES OF PAIR'S ITINERARY. OFFICER ALSO REQUESTED THAT FBI TAKE PRECAUTIONS TO ENSURE THAT PAIR DID NOT ATTEMPT UNAUTHORIZED CONTACT WITH BOY WHILE IN AREA, SINCE REMOTE POSSIBILITY EXISTED THAT ABDUCTION MIGHT BE ATTEMPTED.

3. FBI LOCAL OFFICE, APPARENTLY AS PART OF ITS PRECAUTIONS, TELEPHONED KHRISTOV BOY'S FOSTER FAMILY AND ADVISED THEM THAT TWO EMBOFF'S WOULD BE IN AREA. THEY ASKED THAT FAMILY KEEP KHRISTOV CLOSE TO HOME DURING PERIOD OF PAIR'S TRAVEL IN AREA. INCIDENT AGGRAVATED KHRISTOV'S REPORTEDLY ALREADY UNSTABLE EMOTIONAL STATE AND LED DIRECTLY TO HIS CONFIDENTIAL

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DECISION THAT NO MEETING WITH BULGARIAN EMBOFF WOULD BE HELD.

4. IF GOB RAISES THIS CASE, EMBASSY MAY DRAW ON PARA ONE ABOVE, AND THE FOLLOWING, AS APPROPRIATE.

(A) DEPARTMENT HAS TAKEN EVERY ACTION WITHIN ITS POWER TO ASSIST GOB IN THIS MATTER. WE HAVE KEPT GOB INFORMED OF EVERY DEVELOPMENT OF COURT'S CONSIDERATION OF QUESTION OF BOY'S CUSTODY, GUARDIANSHIP AND WHETHER OR NOT HE SHOULD RETURN TO BULGARIA; DEPARTMENT HAS REPEATEDLY ADVISED BULGARIANS OF THEIR LEGAL RIGHTS IN CASE AND OF HOW THEY MAY EXERCISE THOSE RIGHTS;

(B) LUBOMIR KHRISTOFF IS UNDER THE GUARDIANSHIP OF THE PUBLIC GUARDIAN OF ORANGE COUNTY, CALIFORNIA. ANY FURTHER ACTION GOB MAY WISH TO TAKE SHOULD BE DIRECTED TO THE SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF

ORANGE, PREFERABLY THROUGH A LAWYER ADMITTED TO PRACTICE

LAW IN CALIFORNIA. THE COURT MAY MAKE A NEW ORDER IN THIS CASE UPON THE PRESENTATION OF ADDITIONAL INFORMATION OR TESTIMONY THAT IS SUFFICIENTLY CONVINCING SO THAT THE JUDGE CAN CHANGE HIS ORDER.

(C) THE DEPARTMENT OF STATE IS PREPARED TO BE GOVERNED BY THE PROVISIONS OF ARTICLE 37 OF THE CONSULAR CONVENTION AND WOULD RESPOND TO A REQUEST BY THE GOB FOR ASSISTANCE IN CONTACTING THE CALIFORNIA AUTHORITIES. HOWEVER WE CANNOT PRESS A STATE COURT TO SUSPEND ITS STANDARD PROCEDURES IN GUARDIANSHIP CASES. THE TASK OF CONVINCING THE COURT THAT FACTORS OTHER THAN BOY'S WISHES SHOULD GOVERN ITS DISPOSITION OF THE CASE BELONGS TO THE BULGARIAN AUTHORITIES, ACTING THROUGH THEIR REPRESENTATIVES.

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(D) THE CASE OF LUBOMIR KHRISTOV AND THE MAREVA CHILDREN ARE NOT COMPARABLE. IN ADDITION TO DIFFERENCE BETWEEN MAREV AND KHRISTOV CASES CITED BY EMBASSY (PARA 2, SOFIA 2678), IT SHOULD ALSO BE NOTED THAT THERE EXISTS A STABLE FAMILY UNIT WITH BOTH PARENTS STILL TOGETHER AND ANOTHER DAUGHTER IN MAREV CASE, WHEREAS IN KHRISTOV CASE WE HAVE RECEIVED REPORTS THAT PARENTS ARE DIVORCED. MOTHER HAS REMARRIED AND FATHER IS STILL IN PRISON.

5. RE APPEAL PROCESS IN MAREV CASE (PARA 6 REF E), DEPARTMENT ACCEPTS VALIDITY OF EMBASSY'S POINT THAT GOB HAS PROVEN ITSELF HIGHLY CAPABLE OF FINDING A "FACE-SAVING" OUT AS SHOWN BY COLLINS CASE AS WELL AS POINT THAT APPEAL COULD BE USED TO SAND-BAG OUR EFFORTS BY REFUSING TO DISCUSS CASE WHILE IT WAS UNDER APPEAL. DEPARTMENT THEREFORE CONCURS WITH RECOMMENDATION TO AVOID APPEAL PROCESS AT THIS TIME.

6. RE REQUEST IN SOFIA 2667, DEPARTMENT HAD ALREADY INITIATED STUDY OF DUAL NATIONAL PROBLEMS AND NATURALIZATION TREATY APPLICATIONS IN THIS AREA. RESULTS OF THIS EFFORT WILL BE REPORTED SEPTEL. MEANWHILE EMBASSY MAY NOTE IN STATE 307582 THAT DEPARTMENT HAS ALREADY DETERMINED THAT THERE IS VALIDITY TO EMBASSY'S SUSPICION THAT KOVACHEV'S POSITION IS CONTRARY TO TREATY OF NATURALIZATION.

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